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Attorneys for Plaintiffs  
Vinnovation, Inc. and  
Oenovation International LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

VINOVATION, INC., a California corporation,  
and OENOVATION INTERNATIONAL LLC, a  
California corporation,

Plaintiff,

v.

VA FILTRATION USA LLC a California  
corporation,

Defendant.

No. CV06-02026 (JSW)

STIPULATION AND ~~PROPOSED~~  
ORDER TO STAY LITIGATION  
PENDING DECISION BY U.S.  
PATENT AND TRADEMARK OFFICE

WHEREAS, on March 16, 2006, this action for patent infringement was commenced in United States District Court, Northern District of California, San Francisco Division;

WHEREAS, on September 28, 2006, counsel for defendant VA Filtration USA LLC, Judith S.H. Hom, Esq., filed a request for reexamination of U.S. Patent No. 5,480,665 (“Request for Reexamination”) on defendant’s behalf with the United States Patent and Trademark Office (“PTO”);

WHEREAS, the undersigned parties, through their counsel, have met, conferred and agreed to stay the proceedings to the earlier of (1) ten court days after the PTO issues its initial determination whether defendant’s Request for Reexamination raises a substantial new question of patentability affecting any claim of the patent-in-suit; or (2) three months from the filing of defendant’s Request for Reexamination; and

WHEREAS, good cause exists for the stay because: (1) A stay for the stipulated period would not unduly prejudice or present a clear tactical disadvantage to either party; (2) The parties have not yet engaged in any formal written discovery; (3) The parties have not taken any depositions; (4) Dispositive motions have not been filed by either party; (5) The Court has not yet set a trial date; and (6) A decision by the PTO to reexamine the patent-in-suit may substantially affect the scope of discovery and simplify the issues in question and trial of the case.

NOW THEREFORE, it is STIPULATED, AGREED AND ORDERED as follows:

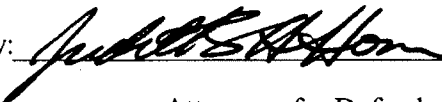
1. All proceedings in this action will be stayed until the earlier of (1) ten court days after the PTO issues a determination whether defendant’s Request for Reexamination raises a substantial new question of patentability affecting any claim of the patent-in-suit; or (2) three months from the filing of defendant’s Request for Reexamination.

2. All actions and filings required by Federal Rules of Civil Procedure 26(a)(1) and

(f) and Patent Local Rules 3 and 4 are postponed for a period of ten (10) days from the date of expiration of the stay.


DATED: October 6, 2006

BINGHAM McCUTCHEN LLP

By:   
Attorneys for Defendant  
VA Filtration USA LLC

DATED: October 6, 2006

DERGOSITS & NOAH LLP

By:   
Attorneys for Plaintiffs  
Vinnovation Inc. and Oenovation International LLC

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: October 10, 2006

By:   
THE HONORABLE JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE